

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JASON E. DAVIS,

No. C 07-1767 SI

Plaintiff,

**ORDER RE: MOTION TO DISMISS
FILED BY DEFENDANT BOOKSA**

v.

UNIFUND CCR PARTNERS, et al.,


Defendants.

Defendant Booksa moves to dismiss plaintiff's Rosenthal Act claim. Defendant contends that this claim is barred by California's litigation privilege because it is based on statements made in the state court collection complaint that Booksa filed against plaintiff. Plaintiff has filed a statement of non-opposition to the motion, stating that he inadvertently named Booksa as a defendant in the Rosenthal Act claim. Plaintiff does not address defendant's California litigation privilege arguments.

The Court GRANTS defendant's motion. (Docket No. 14). As an attorney, Booksa is not a "debt collector" under the Rosenthal Act, *see* Cal. Civ. Code § 1788.2(c), and thus is not a proper defendant under this claim. *See id.* at § 1788.17 (imposing liability on a "debt collector"). As such, the Court finds it unnecessary to reach defendant's arguments regarding the applicability of the California litigation privilege.

IT IS SO ORDERED.

Dated: June 7, 2007



SUSAN ILLSTON
United States District Judge